

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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<b>HARRY WINSTON, INC., et al.,</b> <b>Plaintiffs</b>	:	
<b>v.</b>	:	<b>Case No.: 2:08-CV-536</b>
<b>CHARLES WINSTON LUXURY</b>	:	<b>Judge: Holschuh</b>
<b>GROUP, LLC, et al.,</b>	:	
<b>Defendants.</b>	:	<b>Magistrate Judge: King</b>
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**DEFENDANTS' INITIAL DISCLOSURES**

Defendant Charles Winston Luxury Group, LLC ("CWLG") and LP Watch Group, Inc. ("LP") (collectively, "Defendants"), without waiver of their right to dispute personal jurisdiction and venue, make the following Initial Disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and the court's Preliminary Pretrial order based upon information reasonably available to them at this time. Defendants reserve the right to make any additional disclosures as additional information becomes available. By making these disclosures, Defendants do not waive their right to object to the production of any document or tangible thing disclosed herein or to object to the testimony of any person identified on the basis of attorney-client privilege, the work product doctrine, relevancy, undue burden, or any other valid objection or to make the production of any documents subject to an agreeable protective order.

- A. The name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party **may** use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

1. David Koss  
President  
LP Watch Group  
3301 North 29th Ave  
Hollywood, FL 33020

Mr. Koss possesses knowledge of Defendants' business operations and the transaction in which CWLG purchased the assets of Charles Winston Enterprises, Inc. He also possesses facts relating to the various *Frisch's* factors, including the dissimilarity of the subject marks, dissimilarity of the parties' goods, dissimilarity of the parties' channels of trade, conditions under which the parties' goods are purchased, purchasers' profile, CWLG's advertising and marketing, the absence of actual confusion and potential confusion, the length of time the subject marks have been in use and the goods on which they have been used, and the lack of market interface between the parties (hereafter, "*Frisch's* Factors"). Finally, Mr. Koss also possesses facts relating to jurisdiction, venue and Defendants' potential laches, estoppel, acquiescence, fair use and good faith defenses if and when pleaded.

2. Sol Friedman  
Managing Member, Charles Winston Luxury Group, LLC  
3301 North 29th Ave  
Hollywood, FL 33020

Mr. Friedman may have information relating to CWLG's acquisition of certain assets from CWE Charles Winston Enterprises, Inc.

3. Mark Seelig  
Vice President of Merchandise and Product Development  
Charles Winston Luxury Group, LLC  
3301 North 29th Ave  
Hollywood, FL 33020

Mr. Seelig possesses knowledge of CWLG's business operations, including its product line and facts relating to the *Frisch's* Factors.

4. Elena Koss  
Executive Vice President  
LP Watch Group  
3301 North 29th Ave  
Hollywood, FL 33020

Ms. Koss possesses information regarding LP's business operations, jurisdiction and venue.

5. Charles Winston

Mr. Winston may possess information regarding Defendants' potential laches, estoppel, acquiescence, fair use and good faith defenses, if and when pleaded, and CWLG's purchase of certain assets including, among other things, the CHARLES WINSTON marks. Mr. Winston may also possess facts relating to the *Frisch's* Factors.

Defendants reserve the right to name an expert or rebuttal expert and to provide the names of additional fact witnesses as they become known to Defendants or become relevant to the issues in the case.

B. At this time, Defendants have in their possession, custody or control the following classes of documents that they may use in defense of this matter:

- Representative samples of CWLG products
- CWLG and LP marketing and advertising materials
- CWLG packaging materials
- CWLG collateral materials
- Documents that reflect the channels of trade in which CWLG sells its products, including a customer list
- Documents that reflect the conditions under which CWLG's goods are purchased
- CWLG sales/merchandising presentation materials
- License Agreement dated Jan. 31, 2008 between CWLG, Charles Winston and Fabulous Z, Inc.
- Asset Purchase Agreement dated January 18, 2007 between CWLG and Charles Winston Enterprises LLC
- Charles Winston Executive Employment Agreement dated January 2007
- Application and related documents regarding U.S. Trademark Serial Nos. 77/249,742 and 77/249,728

- C. A computation of any category of damages claimed by the disclosing parties, making available for inspection and copying as under Rule 34 the documents and other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

This is not applicable to Defendants at this time.

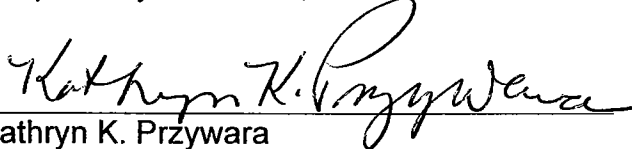
- D. For inspection and copying under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Defendants are in the process of compiling these materials and will make them available to Plaintiffs as soon as possible.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The foregoing document was filed and served this 3rd day of December, 2008 upon counsel of record via First Class Mail and E-Mail to Joseph R. Dreitler (jdreitler@bricker.com) and Mary R. True (mtrue@bricker.com), Bricker & Eckler LLP, 100 South Third Street, Columbus, Ohio 43215-4291.

